

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 2:14-cv-01038-JCC

**DECLARATION OF ELIZABETH  
KWOK**

I, Elizabeth Kwok, hereby state that I have personal knowledge of the facts set forth below, and am competent to testify about them. If called as a witness, I could and would testify as follows:

1. I am a citizen of the United States and over the age of eighteen (18) years old. I have been employed as an investigator with the Federal Trade Commission (“FTC”) in the Division of Financial Practices since 2013. In the normal course of my work, I regularly use electronic databases, spreadsheet software, and a variety of other software-based organizational tools. FTC counsel asked me to summarize certain evidence received during the FTC’s investigation of Amazon.com, Inc. (“Amazon”) and through discovery in *FTC v. Amazon*, 2:14-cv-01038-JCC (W.D. Wash.). To assist in my review of the evidence, I and other FTC employees acting under my direction and supervision used software-based organizational tools, including Microsoft Access and Excel.

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**Consumer Complaints****Complaint Files**

2. FTC counsel asked me to calculate the total number of customer service contact summaries (“Complaints”) that Amazon produced to the FTC in the Bates-numbered range [REDACTED]. The Complaints were produced in electronic format, primarily as individual “.txt” files, with each .txt file representing one Complaint. I identified approximately [REDACTED] Complaints.

3. FTC counsel asked me to identify the number of Complaints associated with each of the following methods for contacting Amazon’s customer service: phone, online chat, and email. This information is provided in the “CommType” field of each Complaint. **Table 1** contains the results.

**Table 1: Number of Complaints by Contact Type**

Contact Type	Number
Phone	[REDACTED]
Email	[REDACTED]
Chat	[REDACTED]
Unknown	[REDACTED]

4. FTC counsel asked me to count the number of Complaints associated with each wrap-up code (as identified in the “IssueCodeDescription” field), which Amazon’s customer service representatives used to categorize each Complaint. **Table 2** contains the results for all codes associated with more than 100 Complaints.

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## Call Recordings

6. FTC counsel asked me to calculate the average amount of time a consumer spends on the phone with Amazon to obtain a refund for an in-app charge based on call recordings for 11,249 phone contacts produced by Amazon at Amazon\_00385389 – 00387465 and 00389818 – 00406643 (the “Sample”). According to an email sent on December 4, 2015 by Amazon’s counsel, the Sample represents 10% of a total of 112,485 relevant customer service phone contacts that did not result in a denial of a refund request. The Sample call recordings totaled approximately [REDACTED] hours, [REDACTED] minutes, and [REDACTED] seconds. Dividing by 11,249 contacts results in an average call time of approximately [REDACTED] minutes per contact.

7. FTC counsel asked me to calculate the approximate total amount of time that Complaint consumers who were not denied refunds spent contacting Amazon by phone based on the following assumptions: (1) each call lasted the average call time calculated above, (2) each contact includes an additional average time of 5 minutes spent determining how to contact Amazon, and (3) 1,210 contacts should be excluded to account for phone contacts where Amazon denied refunds, per Amazon counsel’s December 4, 2015, email. My calculations are as follows: [REDACTED] contacts ([REDACTED] phone-based Complaints, *see* ¶ 3 *supra*, minus 1,210 refund-denied phone-based Complaints) multiplied by [REDACTED] minutes ([REDACTED] minutes average call time plus 5 minutes search time) equals [REDACTED] hours, [REDACTED] minutes, and [REDACTED] seconds.

## Application Developer Documents

8. FTC counsel asked me to summarize the total volume of consumer complaints about in-app charges from the Amazon Appstore that certain third-party app developers received and that

were reflected in documents produced to the FTC (“App Developer Consumer Complaints”) with the following Bates-numbers:

ATVI-FTC0000003  
 FTC\_AMZ\_00000167  
 FTC\_AMZ\_00000170-00000172  
 FTC\_AMZ\_00000173-00001448  
 FTC\_AMZ\_00001449 - 00001457  
 FTC\_AMZ\_00002422  
 FTC\_AMZ\_00002549  
 FTC\_AMZ\_00002558  
 FTC\_AMZ\_00002568  
 FTC\_AMZ\_00003276  
 FTC\_AMZ\_00003283  
 GL\_AMZ\_0000002.1  
 GLU-FTC00000025-00000028  
 PG0994-002425  
 TINYCO-FTC-AMZ-000025

I identified approximately [REDACTED] such complaints.

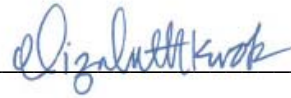
9. FTC counsel asked me to calculate, based on Order numbers identified in Amazon’s responses to the FTC’s First and Second Set of Requests for Admission as corresponding to in-app charges at the Amazon Appstore, (1) the number and percentage of consumers who received a refund from Amazon, and (2) the number and percentage of consumers who did not receive a refund. I counted [REDACTED] Order numbers, all of which were included in the App Developer Consumer Complaints, that Amazon indicated were associated with in-app charges. Of those, Amazon indicated it had not refunded [REDACTED], or [REDACTED]%, and had refunded [REDACTED], or [REDACTED]%.

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1 I declare, under penalty of perjury, that the foregoing is true and correct.

2 Executed February 2, 2016, in Washington, DC.

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6 **ELIZABETH KWOK**  
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